UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,849	09/28/2000	Allan B. Cameron	13587.14	1193

22913   7590   09/16/2003

WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER &
SEELEY)
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EXAMINER
BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
2611	3

DATE MAILED: 09/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr>
<td rowspan="2">Office Action Summary</td>
<td colspan="2">Application No.
09/675,849</td>
<td colspan="2">Applicant(s)
CAMERON ET AL.</td>
</tr>
<tr>
<td colspan="2">Examiner
KIEU-OANH T BUI</td>
<td>Art Unit
2611</td>
<td></td>
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</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2* .   6)☐ Other: .

DETAILED ACTION

Oath/Declaration

1.   It does not state that the person making the oath or declaration acknowledges the duty to

disclose to the Office all information known to the person to be material to patentability as

defined in 37 CFR 1.56. The oath or declaration is missing the following statements:

   a) I hereby state that I have reviewed and understood ....

   b) I acknowledge the duty to disclose.....

   A new oath or declaration is required.

Information Disclosure Statement

2.   The information disclosure statement submitted and was filed on 01/26/2001 of the

application 09/675,849. The submission is in compliance with the provisions of 37 CFR 1.97.

Accordingly, the petition is granted and the examiner is considering the information disclosure

statement.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth
> in section 102 of this title, if the differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.*

4.   Claims 1-5, and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shoff et al. (U.S. Patent No. 6,240,555 B1/ or "Shoff") in view of Valdez, Jr. (U.S. Patent No.

6,426,778 B1/ or "Valdez" hereinafter).

Regarding claim 1, Shoff discloses "a management system for managing the delivery of

multimedia broadcast signals from a broadcast provider to a subscriber and providing to said

subscriber interactive access to said signals", i.e., a management system for managing the

delivery of multimedia broadcast signals from a broadcast provider 22 to subscribers 24 and

providing interactive access for the subscribers to broadcast signals or sources from the

broadcast provider – the headend 22 (Fig. 2, and col. 4/lines 14-61 for interactive multimedia

services addressed such as TV shows, movies, games and other programs), "said broadcast

signals being configured according to IP (Internet Protocol) format for transmission over a

broadband network and reception by a subscriber device", i.e., the broadcast transmission over a

network 32 configured according to Internet Protocol (IP) using Hyper Text Transfer Protocol

HTTP including Uniform Resource Locator URL for transmitting and sending Internet data over

the network to subscribers 24 (Figs. 2 & 4, and col. 5/lines 23-33, and col. 6/lines 29-67), "said

management system comprising an interactive program guide (IPG) component configured for

providing to said subscriber an interactive program guide (IPG) permitting selection of said

multimedia signals by said subscriber", i.e., Figure 2 discloses an interactive entertainment

system providing electronic program guide (EPG) to subscribers and subscribers can select or

choose to interact with the EPG program guide for selecting multimedia signals or programs with

a set top box 26 or a remote controller 30 (Fig. 2, and col. 4/lines 14-41), "and a subscriber

device component associated with said subscriber device and configured for receiving

instructions from said subscriber", i.e., a subscriber device component such as a set top terminal 26 associated with subscriber device 24 for receiving instructions or control commands from the subscriber via a remote controller 30 (Fig. 2, and col. 4/lines 23-35).

Shoff does not clearly disclose the "multicast" transmission is used over the network; however, it is known in the art that a "multicast" technique is used for transmitting signals, messages or programs to a selected group of users from a service provider. In fact, Valdez, in a system and method for providing interactive components in motion video to television or computer users, teaches a multicast technique for transmitting or broadcasting signals, messages, and programs to users over the Internet according to Internet Protocol format to TV viewers using Vertical Blanking Interval VBI of a television signal (see Valdez, Fig. 2 & 3C for an interactive system overview, and col. 3/lines 13-39 for WebTV browser configured to view TCP/IP formats; and col. 9/lines 28-58 for multicasting TCP/IP data technique addressed).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schoff's interactive and broadcasting technique with a multicasting technique as taught by Valdez in order to provide interactive multimedia services to users/subscribers on-demand basis. The motivation for using the multicast technique is it's benefit to a sender as the sender can selectively broadcast interactive services to a large group of users having a same interest of information using only one copy of data, as taught by Valdez (col. 9/lines 35-39).

As for claim 2, in view of claim 1 above, Shoff further discloses "wherein said subscriber device comprises a set top box and a television coupled thereto" (Fig. 2, item 26 for a set top box and item 28 for a television). Shoff does not mention "the set top box comprising a decoder

configured for converting said selected IP multicast format signals into a display format for

display on said television"; however, Valdez shows a video/data decoder 337 for converting the

IP multicast format signals into a display format for displaying on the television (Valdez, Fig. 3B

& 3C, and col. 3/lines 13-39 for Web TV hardware for displaying TCP/IP data formats; col.

9/lines 8-58 for multicast technique with a decoder 337; and col. 10/lines 45-67 for WebTV

hardware is used as a decoder or a set top terminal for television viewers). Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Schoff's set top box with a video/data decoder as taught by Valdez in order to process IP

multicast format signals at the decoder before representing them at the display screen of the

user/viewer.

As for claim 3, in further view of claims 1 and 2 above, Valdez discloses "wherein said

subscriber device comprises a computer and a computer monitor coupled thereto, said computer

comprising a decoder configured for converting said IP multicast format signals into a display

format for display on said monitor" (Fig. 1 for a computer system 101 with monitors-not shown,

col. 5/lines 5-22 or viewer 215-col. 6/lines 34-40 for a display; and Fig. 3C, item 337 for a

decoder as disclosed in claim 2).

As for claim 4, in further view of claim 3 above, Shoff and Valdez further disclose

"wherein said subscriber device comprises a subscriber input interface coupled thereto for

receiving instructions from said subscriber" (Shoff, Fig. 2/item 30 for remote control as a

subscriber input; and Valdez, Fig. 1/item 106 for input devices).

As for claim 5, in further view of claim 4 above, Shoff and Valdez disclose "wherein said

subscriber device component comprises a PC component configured for displaying said

converted multimedia signals on said monitor in the form of a player window" (Shoff, Fig. 4 and

col. 7/lines 9-18 for a PC component with a monitor, and Valdez, Fig. 1 for a computer system

101 with monitors-not shown, col. 5/lines 5-22 or viewer 215-col. 6/lines 34-40 for a display;

and Fig. 3C, item 337 for a decoder as disclosed in claim 2). Shoff further discloses to use a

display window regarding as a player window for displaying the multimedia contents on the

monitor (Shoff, col. 8/lines 19-51 & col. 10/lines 34-58).

Regarding claim 12, Shoff discloses "a method for managing the delivery of multimedia

broadcast signals from a broadcast provider to a subscriber's personal computer (PC) and

providing to said subscriber interactive access to said signals", i.e., a management system for

managing the delivery of multimedia broadcast signals from a broadcast provider 22 to

subscribers 24 and/or subscriber 62 with a personal computer PC of Figure 4 and providing

interactive access for the subscribers to broadcast signals or sources from the broadcast provider

– the headend 22 (Fig. 2, and col. 4/lines 14-61 for interactive multimedia services addressed

such as TV shows, movies, games and other programs), "said broadcast signals being configured

according to IP (Internet Protocol) format for transmission over a broadband network and

reception by said subscriber's PC", i.e., the broadcast transmission over a network 32 configured

according to Internet Protocol (IP) using Hyper Text Transfer Protocol HTTP including Uniform

Resource Locator URL for transmitting and sending Internet data over the network to subscribers

24 (Figs. 2 & 4, and col. 5/lines 23-33, and col. 6/lines 29-67), "said method comprising

providing to said subscriber an interactive program guide (IPG) permitting selection of said

multimedia signals by said subscriber, receiving instructions from said subscriber, selecting a

multimedia signal from said transmission according to said received instructions and

reformatting said selected signal for display on a monitor coupled to said subscriber's PC", i.e.,

Figure 2 discloses an interactive entertainment system providing electronic program guide (EPG)

to subscribers and subscribers can select or choose to interact with the EPG program guide for

selecting multimedia signals or programs with a set top box 26 or a remote controller 30 (Fig. 2,

and col. 4/lines 14-41), and a subscriber device component such as a set top terminal 26

associated with subscriber device 24 for receiving instructions or control commands from the

subscriber via a remote controller 30 or from input devices of a PC system (Fig. 2, and col.

4/lines 23-35 & Fig. 4 for a monitor 66 for displaying signals).

Shoff does not clearly discloses the "multicast" transmission is used over the network;

however, it is known in the art that a "multicast" technique is used for transmitting signals,

messages or programs to a selected group of users from a service provider. In fact, Valdez, in a

system and method for providing interactive components in motion video to television or

computer users, teaches a multicast technique for transmitting or broadcasting signals, messages,

and programs to users over the Internet according to Internet Protocol format to TV viewers

using Vertical Blanking Interval VBI of a television signal (see Valdez, Fig. 2 & 3C for an

interactive system overview, and col. 3/lines 13-39 for WebTV browser configured to view

TCP/IP formats; and col. 9/lines 28-58 for multicasting TCP/IP data technique addressed).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Schoff's interactive and broadcasting technique with a

multicasting technique as taught by Valdez in order to provide interactive multimedia services to

users/subscribers on-demand basis, and with the interactive program guide, the user can

selectively choose a multimedia signal or program from the multicast transmission as desired.

The motivation for using the multicast technique is it's benefit to a sender as the sender can

select broadcast interactive services to a large group of users having a same interest of

information using only one copy of data, as taught by Valdez (col. 9/lines 35-39).

As for claim 13, in further view of claim 12 above, Shoff and Valdez further disclose

"whereby said selected signal is displayed on said monitor in the form of a player window"

(Shoff, Fig. 4 and col. 7/lines 9-18 for a PC component with a monitor, and Valdez, Fig. 1 for a

computer system 101 with monitors-not shown, col. 5/lines 5-22 or viewer 215-col. 6/lines 34-40

for a display; and Fig. 3C, item 337 for a decoder as disclosed in claim 2). Shoff further

discloses to use a display window regarding as a player window for displaying the multimedia

contents on the monitor (Shoff, col. 8/lines 19-51 & col. 10/lines 34-58).

5.   Claims 6-9, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shoff et al. (U.S. Patent No. 6,240,555 B1/ or "Shoff") in view of Valdez, Jr. (U.S. Patent No.

6,426,778 B1/ or "Valdez") and Song (U.S. Patent No. 5,691,778).

As for claim 6, in further view of claim 5, Shoff and Valdez do not further disclose

"wherein said PC component is configured for displaying a remote controller GUI on said

monitor, said remote controller GUI being controllable by said subscriber through said

subscriber input interface for controlling the selection of said signals from said IPG"; however,

Song teaches a remote controller graphical user interface on the television screen for the viewer

to easily and interactively select a plurality of functions of connected consumer electronics such

as for a TV, a VCR, a 8mm video recorder with operating functions as Channel, Volume, Play,

Stop, Fast Forward and so on (see Song, Figs. 6A & 6B for a remote controller GUI, and

col.8/line 38 to col. 9/line 20), wherein the remote controller GUI being controlled by subscriber

input interface such as a remote controller 38 or key input portion 36 (Fig. 1/item 38, col. 8/lines

16-20) by controlling or adjusting the cursor position on the command graphic screen (col. 9/line

34 to col. 10/line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Schoff and Valdez's system with an available and known

technique of displaying a remote controller GUI on the screen for the user/viewer to easily and

conveniently select or control the functions of connected components as taught by Song (col.

2/lines 35-45). The motivation for doing this is to minimize problems occurred to a conventional

remote controller due to multiple uses of controlling A/V (audio/video) complex system with a

simplified remote controller GUI on the screen as suggested by Song (col. 2/lines 30-45).

As for claim 7, in further view of claim 6 above, the modified Shoff's system with Song's

technique applied shows that "wherein said subscriber input interface comprises a keyboard, a

mouse or a keyboard and a mouse" (Shoff, Fig. 4, and col. 7/lines 9-18).

As for claim 8, in further view of claim 7, the modified Shoff with Song's technique

applied further shows that "wherein said interactive program guide provides drop down box

selection and scroll bar GUI features", i.e., a drop down box selection as a box containing items

212-221 for selecting TV shows and movies (Shoff, col. 11/lines 3-47) and scroll bar GUI

features as item 224 for scrolling or browsing through a plurality of selectable items on the

screen (Shoff, col. 12/lines 7-38; in addition, see col.8/lines 41-44 for EPG scrollable grid

format).

As for claim 9, in further view of claim 8, Song further teaches "wherein said remote controller GUI is a model of a hand-held remote controller", i.e., a model of a hand-held remote controller is displayed on the screen (as illustrated in Figs. 6A & 6B, and col. 8/lines 38-45). In view of this, it would have been obvious to modify the system of Shoff as suggested by Song for the same reasons as discussed above for claims 6 and 7.

As for claim 14, in further view of claim 13 above, Shoff and Valdez do not disclose "displaying a remote controller GUI on said monitor, said remote controller GUI being controllable by said subscriber for controlling the selection of said signals from said IPG"; however, Song teaches a remote controller graphical user interface on the television screen for the viewer to easily and interactively select a plurality of functions of connected consumer electronics such as for a TV, VCR, 8mm video recorder with operating functions as Channel, Volume, Play, Stop, Fast Forward and so on (see Song, Figs. 6A & 6B for a remote controller GUI, and col.8/line 38 to col. 9/line 20), wherein the remote controller GUI being controlled by subscriber input interface such as a remote controller 38 or key input portion 36 (Fig. 1/item 38, col. 8/lines 16-20) by controlling or adjusting the cursor position on the command graphic screen (col. 9/line 34 to col. 10/line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Schoff and Valdez's system with an available and known technique of displaying a remote controller GUI on the screen for the user/viewer to easily and conveniently select or control the functions of connected components as taught by Song (col. 2/lines 35-45). The motivation for doing this is to minimize problems occurred to a conventional

remote controller due to multiple uses of controlling A/V (audio/video) complex system with a

simplified remote controller GUI on the screen as suggested by Song (col. 2/lines 30-45).

As for claim 15, in further view of claim 14 above, the modified Shoff's system with

Song's technique applied further shows "whereby said interactive program guide provides drop

down box selection and scroll bar GUI features", i.e., a drop down box selection as a box

containing items 212-221 for selecting TV shows and movies (Shoff, col. 11/lines 3-47) and

scroll bar GUI features as item 224 for scrolling or browsing through a plurality of selectable

items on the screen (Shoff, col. 12/lines 7-38; in addition, see col.8/lines 41-44 for EPG

scrollable grid format).

As for claim 16, in further view of claim 15 above, Song further discloses "whereby said

remote controller GUI is a model of a hand-held remote controller", i.e., a model of a hand-held

remote controller is displayed on the screen (as illustrated in Figs. 6A & 6B, and col. 8/lines 38-

45).

6.   Claims 10-11 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shoff et al. (U.S. Patent No. 6,240,555 B1/ or "Shoff") in view of Valdez, Jr. (U.S. Patent No.

6,426,778 B1/ or "Valdez") and Song (US Patent 5,691,778) applied to claims 6-9 and 14-16 as

above, and further in view of Matthews, III et al (U.S. Patent 6,025,837/ or "Matthews").

As for claims 10 and 17, in further view of claim 9, the combination of Shoff, Valdez and

Song do not show an IPG system and its corresponding method "wherein said IPG comprises

program schedule cells associated with a channel lineup listing selectable television broadcast

channels"; however, Matthews, in an electronic program guide related to the same system as

taught by Shoff, further shows that "wherein said IPG comprises program schedule cells

associated with a channel lineup listing selectable television broadcast channels" (see Matthews,

Fig. 5 with an IPG program guide schedule cells from 8:30PM to 9:30PM associated with a

channel lineup listing on the left 114 & 122 which are selectable television broadcast channels –

selectable by the user- CBS, ABC, NBC and PBS as illustrated, see more at col. 9/lines 1-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the Shoff-Valdez-Song's system with a known interactive

program guide grid as one of Matthews's for showing to the viewer an interactive program guide

with IPG program schedule cells associated with TV broadcast channels for the user to choose or

select an available program as he/she prefers to with that channel lineup listing.

As for claims 11 and 18, in further view of claim 10 and 17 above, Shoff and Matthews

both disclose an IPG system and its corresponding method "wherein said channel lineup includes

one or more channels corresponding to selectable URLs", i.e., a Seinfeld channel can further

provide access to selectable URL at http://www.nbc.com/seinfeld.html (Shoff, Fig. 3/item 58 and

col. 6/lines 29-67 for URL connection; and Matthews, Fig. 5/item 140 for More information

connected to an URL address of the associated program, see col. 9/line 55 to col. 10/line 49).

Conclusion

7.   **Any response to this action should be mailed to:**

        Commissioner of Patents and Trademarks
        Washington, D.C. 20231

        or faxed to:

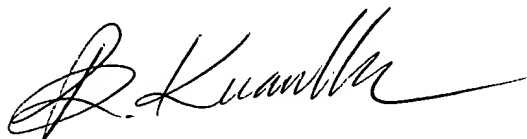   **(703) 872-9314, (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park 77, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist)

8.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The

examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate

Fridays off.

      If attempts to reach the examiner by telephone are unsuccessful, the examiner s

supervisor, Andrew Faile, can be reached on (703) 305-4380.

      Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to Technology Center 2600 Customer Service Office whose telephone number

is (703) 306-0377.

Krista Bui
Art Unit 2611   KRISTA BUI
August 25, 2003   PATENT EXAMINER